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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,626	07/11/2001	Hideo Taka	35.G2852	7891
5514	7590	10/08/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NGUYEN, MICHELLE P	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/901,626	TAKA, HIDEO	
	Examiner	Art Unit	
	Michelle Nguyen	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 2, 2003 have been fully considered but they are not persuasive.

As to the objection to the specification, examiner maintains that the specification fails to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

- (a) Non-volatile memory time-keeping counter circuit (see claims 1, 2, 6);
- (b) Ferroelectric memory time-keeping counter circuit (see claim 7).

As to the claim rejections, applicant argues that the cited prior art fails to disclose or suggest at least the feature of using a non-volatile memory time-keeping circuit (or ferroelectric memory time-keeping counter circuit) to count and store a signal from a clock circuit (or clock signal generation circuit). However, U.S. Patent No. 5,854,950 to Handa et al. teaches a non-volatile memory time-keeping circuit (storage circuit 33) to count and store a signal from a clock circuit (circuits 18-20) (see Col. 4, lines 48-51, Fig. 2). Therefore, examiner maintains the rejections set forth below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,854,950 to Handa et al.

With regard to claim 1, Handa et al. disclose an electronic apparatus comprising:

a clock circuit (quartz crystal oscillator 18, oscillation circuit 19, frequency divider circuit 20) that generates a clock signal having clock signal pulses generated at a predetermined cycle (see Col. 2, lines 4-7, Fig. 2);

a non-volatile memory time-keeping counter circuit (storage 33) (see Fig. 2); and

a control circuit (time counter 161) that controls said electronic apparatus (see Fig. 2),

wherein the clock signal pulses generated by said clock circuit are input to said control circuit and said control circuit outputs the clock signal pulses to said non-volatile memory time-keeping circuit so as to count the clock signal pulses generated by said clock circuit and store a count of the clock signal pulses in said non-volatile memory time-keeping counter circuit (see Col. 4, lines 48-51, Fig. 2).

With regard to claim 4, Handa et al. teach an electronic apparatus according to claim 1, wherein said electronic apparatus comprises a camera (camera 1A) (see Fig. 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Handa et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,942,877 to Nishimura.

With regard to claim 2, Handa et al. do not teach the electronic apparatus according to claim 1, wherein said non-volatile memory time-keeping counter circuit comprises a ferroelectric memory. Instead, Handa et al. teach the non-volatile memory time-keeping circuit to comprise an EEPROM (see Col. 4, lines 50-1). However, Nishimura teaches a ferroelectric RAM and an EEPROM to be art-recognized equivalents (see Col. 1, lines 28-33). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute for the EEPROM of Handa et al. the ferroelectric memory discussed by Nishimura for providing an alternative means for reading and storing data.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Handa et al. as applied to claim 1 above, and further in view of U.S. Patent No. 4,825,233 to Kanai et al.

With regard to claim 5, Handa et al. do not teach an electronic apparatus according to claim 1, wherein said control circuit includes a central processing unit. Instead, Handa et al. teach the control circuit to include a pulse counter (see Fig. 2). However, Kanai et al. teach a control circuit including a pulse counter and a central processing unit (CPU 18) (see Col. 2, lines 59-63, Fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the

control circuit of Handa et al. with the control circuit of Kanai et al. if the use of a CPU is preferred over the use of a dedicated pulse counter.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Handa et al. as applied to claim 1 above, and further in view of JP 06-250278 to Kitani et al. (translation provided in previous Office action).

With regard to claim 6, Handa et al. do not teach an electronic apparatus according to claim 1, wherein, when a power supply battery for supplying power to said electronic apparatus is replaced, said non-volatile memory time-keeping counter circuit starts counting in a state in which a predetermined value is added to the memory contents of said non-volatile memory time-keeping counter circuit. However, Kitani et al. teach a non-volatile memory time-keeping counter circuit to start counting in a state in which a predetermined value is added to the memory contents of the non-volatile memory time-keeping circuit when a power supply (power cell 43) for supplying power to an electronic apparatus (camera) is replaced for eliminating the need for a backup supply voltage while still maintaining accuracy during time-keeping (see translation, page 8, lines 4-13, page 9, lines 4-6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate into the electronic apparatus of Handa et al. the non-volatile memory time-keeping circuit of Kitani et al. for eliminating the need for a backup power supply.

8. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,854,950 to Handa et al. in view of U.S. Patent No. 5,942,877 to Nishimura.

With regard to claim 7, Handa et al. disclose an electronic apparatus comprising:

a time-keeping clock signal generation circuit (quartz crystal oscillator 18, oscillation circuit 19, frequency divider circuit 20) that keeps time (see Col. 2, lines 4-7, Fig. 2);

a memory time-keeping counter circuit (storage circuit 33) (see Fig. 2);

and

a control circuit (time counter 161) that controls said electronic apparatus (see Fig. 2),

wherein the time kept by said time-keeping clock signal generation circuit is input to said control circuit and said control circuit outputs the time to said memory time-keeping counter circuit such that said memory time-keeping counter circuit forms and stores a time signal concerning time kept by said time-keeping clock signal generation circuit (see Col. 4, lines 48-51, Fig. 2).

Handa et al. do not teach the memory time-keeping counter circuit to be ferroelectric memory time-keeping counter circuit. Instead, Handa et al. teach the memory time-keeping counter circuit to be an EEPROM time-keeping counter circuit (see Col. 4, lines 50-1). However, Nishimura teaches a ferroelectric RAM and an EEPROM to be art-recognized equivalents (see Col. 1, lines 28-33). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute for the EEPROM of Handa et al. the ferroelectric memory discussed by Nishimura for providing an alternative means for reading and storing data.

With regard to claim 9, Handa et al. teach the electronic apparatus discussed above with respect to claim 7, wherein said electronic apparatus comprises a camera (camera 1A) (see Fig. 1).

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Handa et al. in view of Nishimura as applied to claim 7 above, and further in view of U.S. Patent No. 4,825,233 to Kanai et al.

With regard to claim 10, Handa et al. do not teach the electronic apparatus according to claim 7, wherein said control circuit includes a central processing unit. Instead, Handa et al. teach the control circuit to include a pulse counter (see Fig. 2). However, Kanai et al. teach a control circuit including a pulse counter and a central processing unit (CPU 18) (see Col. 2, lines 59-63, Fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the control circuit of Handa et al. with the control circuit of Kanai et al. if the use of a CPU is preferred over the use of a dedicated pulse counter.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

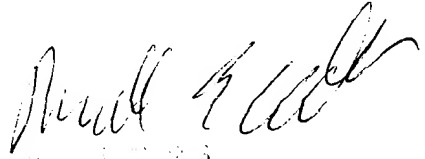
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Nguyen whose telephone number is 703-305-2771. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

mpn


MICHELLE NGUYEN
EXAMINER
DATE: 11/11/2009